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☒ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☐ Retained

Bill waived
 Fees Pd ✓
 Frms Gvn ✓
 CAD ✓
 TDO ✓
 Ntc/Dkt Mtd ✓

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

PLAINTIFF(S),

v.

RITA MARIE LAVELLE

DEFENDANT(S).

CASE NUMBER:

CR 04-374-SJO (01)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that RITA MARIE LAVELLE hereby appeals to
Name of Appellant
 the United States Court of Appeals for the Ninth Circuit from:

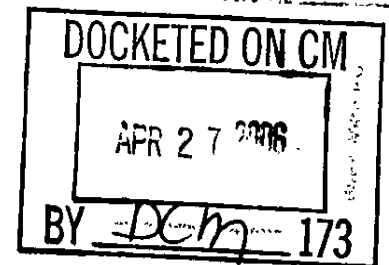
Criminal Matter

- ☐ Conviction only [F.R.Cr.P. 32(b)]
☒ Conviction and Sentence
☐ Sentence Only (18 U.S.C. 3742)
☐ Pursuant to F.R.Cr.P. 32(c)(5)
☐ Interlocutory Appeals
☐ Sentence imposed:

☐ Bail status:

Civil Matter

- ☐ Order (specify):
☐ Judgment (specify):
☐ Other (specify):



Entered in this action on MARCH 27, 2006

A copy of said judgment or order is attached hereto.

Date

3/30/06

Signature

☐ Appellant/ProSe ☒ Counsel for Appellant ☐ Deputy Clerk

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
 FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL
 (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT, ADDRESS OF
 RECORD, IN THIS ACTION, ON THIS DATE

DATED

DEPUTY CLERK

Note: The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

PROOF OF SERVICE

I, the undersigned, declare that I am a resident or employed in Los Angeles County, California; that my business address is the Office of the Federal Public Defender, 321 East 2nd Street, Los Angeles, California 90012-4202; that I am over the age of eighteen years; that I am not a party to the above-entitled action; that I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, and at whose direction I served a copy of the **NOTICE OF APPEAL**.

On March 30, 2006, following ordinary business practice, service was:

☒ Placed in a closed envelope, for collection and hand-delivery by our internal staff, addressed as follows:

☐ By hand-delivery addressed as follows:

☐ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

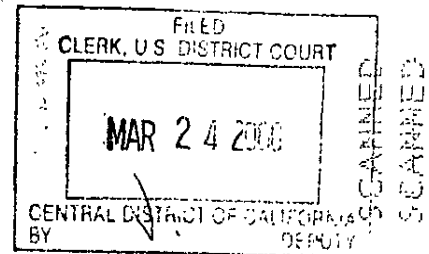
☐ By facsimile as follows:

Dorothy C. Kim
Assistant United States Attorney
United States Court House
312 North Spring Street, Suite 1304
Los Angeles, California 90012

This proof of service is executed at Los Angeles, California, on March 30, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Carmen I. Cardenas



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Priority ☒
Send ☐
Enter ☐
Closed ☐
JS-5/JS-6 ☐
JS-2/JS-3 ☐
Scan Only ☐

UNITED STATES OF AMERICA,

NO. CR 04-374 SJO

Plaintiff,

ORDER

v.

RITA MARIE LAVELLE, an individual,

MAR 27 2006

Defendant.

The Court received the Judgment of the United States Court of Appeals for the Ninth Circuit, remanding this matter back to the District Court to determine whether the statement imposed would have been materially different had the District Court known that the Guidelines were advisory. *United States v. Ameline*, 409 F.3 1073, 1074 (9th Cir. 2005).

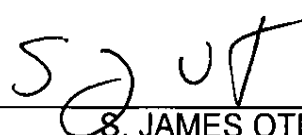
After reviewing the case file, the parties' briefs regarding resentencing, as well as additional evidence offered by Defendant, the Court determines that the sentence imposed by the Court is sufficient but not greater than necessary to meet the goals of sentencing. 18 U.S.C. 3553(a). Accordingly, the sentence would NOT have been different had the District Court known that the Guidelines were advisory. The Defendant is to surrender herself to the custody of the United

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1 States Marshal located at the Roybal Federal Building, 255 East Temple Street, Los Angeles,
2 California 90012, on or before April 10, 2006.

3 IT IS SO ORDERED.

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5 Dated this 27 day of March, 2006.

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J. JAMES OTERO
UNITED STATES DISTRICT JUDGE